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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,701	10/16/2001	Nobuhiro Ikeda	35.C15877	3756
5514	7590	12/15/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			HARVEY, DIONNE	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/977,701	Applicant(s) IKEDA, NOBUHIRO	
	Examiner Dionne N Harvey	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on election by phone on 12-6-04.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 6 9-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 8 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-5, 7, 8 and 11, drawn to a management device for communicating with a communication control device and management center, classified in class 455, subclass 517.
 - II. Claim 6, drawn to a management center for communicating with a communication control device via management device, classified in class 455 subclass 67.11.
 - III. Claims 9-10 drawn to a communication control device for connecting a peripheral device to a management center via management device, classified in class 455, subclass 557.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I., II. and III. are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I. II. And III. Each have separate utility such as various components of a management system. See MPEP § 806.05(d).
3. Because these inventions are distinct for the reasons given above and the search required for Group III is not required for Group I. or II., restriction for examination purposes as indicated is proper.

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4. During a telephone conversation with Attorney Michael Oneal on December 3, 2004 a provisional election was made with traverse to prosecute the invention of Group I., claims 1-5, 7, 8 and 11. Affirmation of this election must be made by applicant in replying to this Office action. Claims 6 and 9-10 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Drawings

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "mounting means for detachably mounting a memory" as recited in claim 11, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of

the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims **1,3 and 5** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, in line 7, the claim recites "reception means for receiving data from a management center...", which is illustrated in figure 2 as **interface processing unit 206**. In lines 10-13, the claim recites "registration means for registering, in said memory means, the identification data received by said reception means for identifying said communication control device". However, according to figure 2 and discussed in pages 10-11 of the Applicant's specification, the **wireless transceiving unit 204** receives identification data from the communication control device NOT the **interface processing unit 206**. For the purpose of examination, "said wireless communication means" has been substituted for "said reception means" in lines 11-12. **Appropriate correction is required.**

Regarding claim 3, this claim is misdescriptive in it's recitation "identification data received by said reception means for identifying said management device" Since

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although the management device stores it's own identification in it's memory unit **207**, the identification data is not described in the Applicant's specification as being received by the transceiving unit **207**, nor by the reception means **206**. **Appropriate correction is required.**

Regarding claim 5, as similarly discussed in the **U.S.C. 112 2nd paragraph rejection of claim 1**, reception means **207**, which receives data from the management center does not function to connect plural communication control devices to the management device. This function is instead performed by wireless transceiver unit **204**. For the purpose of examination, "said wireless communication means" has been substituted for "said reception means" in lines 4-5. **Appropriate correction is required.**

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims **1-5, 7 and 8** are rejected under 35 U.S.C. 102(b) as being anticipated by **Billstrom (US 5,729,537)**.

Regarding claim 1, **in figure 1**, Billstrom teaches a management device **14** comprising: wireless communication means **62** for wireless communication with a communication control device **12**; memory means **93** for storing identification data for

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identifying said communication control device; reception means **104** for receiving data from a management center **16** connected through a communication network **108**; and **as best understood with regard to the U.S.C. 112 2nd paragraph rejection above**, appears to teach registration means **82** for registering, in said memory means **93**, the identification data received by *said wireless communication means* for identifying said communication control device **12**.

Regarding claim 2, in **column 12, lines 5-10**, Billstrom teaches an embodiment wherein a traffic control center reads on "the management center" and wherein wireless communication means executes communication for managing by sequencing and functioning of traffic lights, reading on "a peripheral device" connected to a mobile station **12**, which reads on "a communication control device", via it's connection to the communication system.

Regarding claim 3, **as best understood with regard to the U.S.C. 112 2nd paragraph rejection above**, Billstrom appears to teach that said registration means registers, in said memory means, identification data received by said reception means for identifying said management device.

Regarding claim 4, in **figure 1**, Billstrom teaches that said wireless communication means **62** functions as a base wireless station for said communication control device **12** functioning as a mobile wireless station.

Regarding claim 5, **as best understood with regard to the U.S.C. 112 2nd paragraph rejection above**, Billstrom appears to teach that said registration means **82**

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registers, in said memory means **93**, identification data for identifying plural communication control devices connected by *said wireless communication means*.

Regarding claim 7, in **figure 1 and 2**, Billstrom teaches a management device **14** comprising: wireless communication means **62** for wireless communication with plural communication control device **12**; memory means **93** for storing identification data for identifying said communication control device; connection means **104** for connecting a management center **16** through a communication network **108**; and registration means **82** for registering, in said memory means **93**, the identification data received by wireless communication means **62** from one of said plural communication control device, for identifying said plural communication control devices.

Regarding claim 8, Billstrom teaches that said registration means **82** registers identification data received by interslave communication **42** by said wireless communication means **64**, from one of said plural communication control devices (**see figure 2 for plurality of devices**), for identifying said plural communication control devices.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim **11** is rejected under 35 U.S.C. 103(a) as being unpatentable over **De Kermadec (US 6,807,411)**.

Regarding claim 11, in **figure 1A and 1B** and discussed in **column 5**, De Kermadec teaches telecommunication equipment **11**, which reads on “a management device”, comprising an antenna **111**, which reads on “wireless communication means” for wireless communication with a base station, which reads on “a communication control device”; shown in **figure 1B** and discussed in **column 5, lines 28-31**, De Kermadec teaches a removable medium for storage **12**, which reads on “mounting means for detachably mounting a memory”; and in **column 5, lines 53-55** teaches that said wireless communication means **111** communicates with said communication control device (**base station**) according to identification data of the communication control device stored in the memory **12**.

De Kermadec does not clearly teach a connection means for connecting with a management center through a communication network. However, the Examiner takes the Official Notice that providing connection means via network connection between a telecommunication device and a management center is well known in the art and it would have been obvious to further alter the device of De Kermadec so as to connect the device **11** to a management center via network connection, thereby providing the device of De Kermadec with access to internet services. See, **Adachi (US 6,829,474)**.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Adachi (US 6,829,474) in **figure 1**, teaches connection of a management device **5** to a management center **1** via communication network **4**.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dionne N Harvey whose telephone number is 703-305-1111. The examiner can normally be reached on 9-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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